Remarks

Favorable reconsideration in view of the herewith presented amendment and remarks is respectfully requested.

Claims 51, 52 and 54 which were pending in this application have now been cancelled.

Claims 55, 56 and 57 have been added.

Claims 51, 52 and 54 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 2,342,170 to Tinnerman.

Claims 51, 52 and 54 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 4,818,165 to Shirai.

Applicants respectfully traverse these rejections.

Applicants do not believe the Examiner's objection is justified. It is not clear how the Examiner can possibly consider the construction of Tinnerman, which involves three different pieces of sheet metal, as defining a cylindrical recess with a continuous base.

Nevertheless, new claims 55-57 are directed to a combination of a functional element with a sheet metal part comprising a single piece of sheet metal. It is urged that the new claims are patentable over Tinnerman and Shirai. The construction of Tinnerman is excluded by the new claims. Shirai is actually concerned not with a piece of sheet metal but rather with a material, such as plastic part or a zinc-aluminium alloy die cast part (see col. 1, section 1, TECHNICAL FIELD).

Furthermore, pin diameter of the claimed construction is substantially constant along said length between said first and second ends and at said first end. The present claims, hence, exclude a stud fastener 10 with a head 11 (which has a larger diameter than the threaded portion of the stud) and thus distinguish the claims over Tinnerman. Moreover, by specifying that the cylindrical recess has a cylindrical side wall and a continuous base, applicants have distinguished

the claim combination over Tinnerman where there simply is no such continuous base, irrespective of what the Examiner asserts.

Furthermore, by specifying that the first end of the functional element contacts said continuous base, applicants have not only improved the definition with respect to Tinnerman, but have also clearly precluded the Shirai reference where the threaded insert does not contact the base.

In addition, applicants do not believe that it is correct to refer to the functional element in Shirai as a threaded pin - it is a hollow threaded insert, not a pin.

Moreover, the threaded pin most certainly does not project beyond the part into which it is inserted in Shirai, which is in any case not a sheet metal part as noted above.

For the above reasons, applicants urge that the present claims are patentable over the cited patents. Applicants note that if the Examiner does not accept the claims as amended, the applicants intend to appeal this case. Reconsideration and withdrawal of the §102 rejections is respectfully requested.

It is believed that all of the present claims are in condition for allowance. The Examiner is requested to reconsider and withdraw all of the rejections made in the Official Action. Early and favorable action by the Examiner is earnestly solicited.

AUTHORIZATION

If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 309-1214. The undersigned may also be contacted by e-mail at gcr@hunton.com

No additional fee is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-2536.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-2536.

Dated: April 17, 2006   By: Respectfully submitted,

Eugene C. Rzucidlo
Registration No. 31,900
Customer Number: 58785

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